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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,276	01/18/2002	Charles J. Lewis	1855-002A	3264
9629 7590 03/07/2007 MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			EXAMINER ELISCA, PIERRE E	
			ART UNIT	PAPER NUMBER
			3621	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/07/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/053,276

Applicant(s)

LEWIS, CHARLES J.

Examiner

Pierre E. Elisca

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 17-22 is/are rejected.
- 7) ☒ Claim(s) 15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to Applicant's response filed on 12/04/2006.
2. Claims 1-22 are pending.
3. The rejection to claims 1-3, 5, 6, 19, 20 and 22 under 35 U.S.C. 102 (e) as being anticipated by Pearson U.S. Pat. No. 6,023,684) and to claims 4, 7-18 and 21 under 35 U.S.C. 103 (a) as being unpatentable over Pearson as set forth in the office action mailed on 06/14/2006 is maintained.

Claim Objections

4. Claims 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 3718 of this title before the invention thereof by the applicant for patent.

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6. Claims 1-3, 5, 6, 19, 20 and 22 are rejected under 35 U.S.C. 102 (e) as being anticipated by Pearson (U.S. Pat. No. 6,023,684).

As per claims 1-3, 5, 6, 19, 20 and 22, Pearson discloses a three tier financial transaction system includes a client interface, an application service, a host interface, and a local data memory or database (which is readable as Applicant's claimed invention wherein said a computer-executable of processing financial information substantially in real time), comprising:

receiving incoming stochastic data records from any of a plurality of disparate systems relating to a financial instruments **(this limitation is disclosed by Pearson in the abstract, specifically wherein it is stated that the client interface communicates data messages between a client program and the financial transaction, and also col 4, lines 4 and 5);**

converting the incoming stochastic data records into a common data format substantially in real time **(this limitation is disclosed by Pearson in the abstract, lines 6-9, specifically wherein it is stated that the client interface converts client requests to a format compatible with the application service so the application service may process client requests from client programs, and also in col 4, lines 44-50);**

consolidating the converted stochastic data records by storing the data records on a consolidated database in conformance with a predefined industry standard **(this limitation is disclosed by Pearson in the abstract, lines 13-23, specifically wherein it is stated that the data in the local memory is then used by the application**

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service for processing client requests during the local session. Response data generated by the application service is provided to the client interface for presentation to the client program....., and also in col 3, lines 33-47, col 4, lines 19-43, please note that the predefined industry standard is seen to read as the transformation data format after conversion);

receiving data inquiries requesting information from the consolidated database (this limitation is disclosed by Pearson in the abstract, lines 6-9, specifically wherein it is stated that the client interface converts client requests to a format compatible with the application service...., please note that in this process financial transaction is receiving compatible data format from the client, and the client is also receiving the requested data from the (local data memory and database) in real time, see, col 3, lines 33-40, col 4, lines 19-43) ; and

in response to a received data inquiry, providing real time access to the requested information from the consolidated database (this limitation is disclosed by Pearson in the abstract, lines 6-9, specifically wherein it is stated that the client interface converts client requests to a format compatible with the application service...., please note that in this process financial transaction is receiving compatible data format from the client, and the client is also receiving the requested data from the (local data memory and database) in real time, see, col 3, lines 33-40, col 4, lines 19-43. Furthermore, the local memory is supporting real time customer interaction, specifically wherein it is stated that this structure permits a user's information to be stored in a data structure that does not suffer the response time

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delays normally encountered in legacy databases, see., col 4, lines 33-35, and col 3, lines 33-35). Moreover, the client interface of Pearson is capable to convert inputs in accordance with one or more business rules or financial format or rules that deriving from financial transaction or institution or market data record. He also discloses the step of updating record see., col 4, lines 19-43.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 4, 7-14, 17, 18 and 21 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Pearson (U.S. Pat. No. 6,023,684).**

As per claim 4, 8, 10, 12-14, and 17 Pearson substantially discloses the claimed limitation as stated in claim 1 above, including real time transaction see., col 4, lines 19-43.

It is noted that Pearson does not explicitly detail the feature of providing reports on a regular, scheduled, recurring, or periodic of claim 4.

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Providing reports on a regular, scheduled, recurring, or periodic basis in the system of **Pearson** would have been obvious to one of ordinary skill in the art in order to facilitate customers to keep track and specify of all financial transactions.

As per claim 7, Pearson discloses the claimed limitation as stated in claim 1 above, including a time series index and a search index which is seen to read as a real time or time delays see., col 4, lines 19-43 .

It is noted that **Pearson** does not explicitly detail the feature of incoming stochastic data are receiving regarding at least one of financial transaction position changes, financial transaction lots and cash balances, and cost bases for each of a plurality of transaction positions and lots.

Providing incoming data regarding financial transaction changes, financial lots and cash balances and cost bases in the financial transaction of **Pearson** would have been obvious to one of ordinary skill in the art in order to facilitate customers to have a specific information about the product or lots and the cost of the product based upon the current price market value.

As per claim 9, Pearson substantially discloses the claimed limitation as stated in claim 7 above.

It is noted that Pearson does not explicitly detail the feature of calculating currency and market gain/loss of claim 9.

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Calculating currency and market gain/loss in the financial transaction of **Pearson** would have been obvious to one of ordinary skill in the art in order to facilitate customers to have a specific price information about a product based upon the current price market value.

As per claim 11, Pearson substantially discloses the claimed limitation as stated in claim 7 above.

It is noted that Pearson does not explicitly detail the feature of performing amortization and accretion.

Performing amortization and accretions in the financial transaction of **Pearson** would have been obvious to one of ordinary skill in the art in order to facilitate customers to set money aside for the purpose of proportionating and accumulating share of a premium between the purchase date and the maturity date.

As per claim 18, Pearson discloses the claimed limitation as stated in claim 1 above, including updating consolidated database see., col 4, lines 26-43

It is noted that **Pearson** does not explicitly detail the feature of settling and forecast financial transactions, financial instruments, customers, counterparties, employees, organizational units, market change, and financial institutions.

Settling and forecast financial transactions, financial instruments, customers, counterparties, employees, organizational units, and financial institutions in the financial

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transaction of **Pearson** would have been obvious to one of ordinary skill in the art in order to facilitate customers to keep track and predict of all financial transactions.

As per claim 21, Pearson discloses the claimed limitation as stated in claim 2 above, including market data information server that processes messages that contain data records from any of a plurality of disparate market data source which is seen to read as wherein said the client interface (converts or processes) client requests to a format compatible with the application service... see., abstract.

It is noted that **Pearson** does not explicitly detail the feature of deriving from an incoming financial transaction, market data record, and/or customer/counterparty update record s.

Deriving from an incoming financial transaction on a trade data and settlement data accrual accounting basis in the financial transaction of **Pearson** would have been obvious to one of ordinary skill in the art in order to facilitate customers to have a specific information about the product or lots and the cost of the product on a trade based upon the current price market value.

RESPONSE TO ARGUMENTS

9. Applicant's arguments filed on 06/14/2006 have been fully considered but they are not persuasive.

REMARKS

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10. In response to Applicant's representative arguments filed on 12/04/2006, Applicant's representative argues that the prior art of record (Pearson 684") fails to disclose the recited feature:

a. Pearson does not teach converting incoming records into a common format. However, the Examiner respectfully disagrees with this assertion since Pearson discloses this limitation **in the abstract, lines 6-9, specifically wherein said the client interface converts client requests to a format compatible with the application service so the application service may process client requests from client programs, and also in col 4, lines 44-50.**

Furthermore, as per converting the incoming stochastic data records into a common data format, the Examiner submits that no patentable differences exist since data is data in computer manipulation.

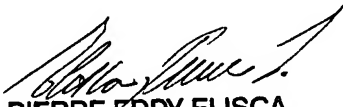
b. Applicant's representative argues that " a careful reading of Applicant's specification clearly shows that consolidation is a process of grouping accounts for access and aggregation by criteria, creating a composite of market data that pertains to each financial instrument from data that originates from multiple sources, and creating composite data pertaining to the same customer or counterparty that originates from multiple sources". However, the Examiner respectfully disagrees with assertion since this limitation is nowhere to be found in the claims., and therefore Applicant's representative argument is moot.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 571 272 6706. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571 272 6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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